

EXHIBIT A (Part 1)

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FILED
Superior Court of California
County of Placer

OCT 28 2019

Jake Chatters
Executive Officer & Clerk
By: E. Kouvdos, Deputy

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8 Attorneys for Plaintiff, ANH BAO VY HUYNH

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF PLACER**

11 **ANH BAO VY HUYNH,**

12 Plaintiff,

13 v.

14 **SUTTER HEALTH, a California Corporation;**

15 **SUTTER ROSEVILLE MEDICAL CENTER**

16 **FOUNDATION; NATHAN HALE ALLEN,**

17 **M.D.; and DOES 1-50, INCLUSIVE,**

18 Defendants

Case No.: **CV 0043220**

COMPLAINT FOR DAMAGES:

1. **PROFESSIONAL NEGLIGENCE**
2. **INFORMED CONSENT**
3. **BREACH OF CONTRACT**
4. **BATTERY**
5. **BATTERY**
6. **FRAUDULENT REPRESENTATION**

19
20 **COMES NOW** Plaintiff, ANH BAO VY HUYNH (hereinafter referred to as "Plaintiff"), filing
21 this complaint for causes of action against SUTTER HEALTH, a California Corporation; SUTTER
22 ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE ALLEN, M.D.; and DOES 1
23 through 50, Inclusive.

- 24 1. Plaintiff, ANH BAO VY HUYNH, is an individual and is now, and at all times mentioned in this
25 complaint, was a resident of Sacramento County, California.
- 26 2. Defendants, SUTTER HEALTH, a California Corporation; SUTTER ROSEVILLE MEDICAL
27 CENTER FOUNDATION; NATHAN HALE ALLEN, M.D.; and DOES 1 through 20 are
28

- 1 physicians and surgeons, licensed by the State of California to practice medicine and surgery in
2 California, with their principal place of practice located in Placer County, California.
- 3 3. Defendant, SUTTER HEALTH, a California Corporation, is now, and at all times mentioned in
4 this complaint was, an association of physicians and surgeons duly authorized to practice
5 medicine under the fictitious business name of Sutter Roseville Medical Center, with its principal
6 place of business in Placer County, California. The members of this association include
7 SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE ALLEN,
8 M.D.; and Does 21 through 50.
- 9 4. Plaintiff does not know the true names of defendants DOES 1 through 50, inclusive, and
10 therefore sues them by those fictitious names.
- 11 5. Plaintiff is informed and believes, and on the basis of that information and belief alleges, that at
12 all times mentioned in this complaint, defendants, SUTTER HEALTH, a California Corporation;
13 SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE ALLEN,
14 M.D.; and DOES 1 through 50, were the agents and employees of their codefendants, and in
15 doing the things alleged in this complaint were acting within the course and scope of that agency
16 and employment. Each defendant, when acting as principal, was negligent in the selection and
17 hiring of each other defendant as an agent or employee.
- 18 6. On August 7, 2019, plaintiff served notice, pursuant to Code of Civil Procedure section 364, to
19 defendant SUTTER HEALTH, of her intention to sue them for professional negligence.
- 20 7. On October 22, 2019, plaintiff served notice, pursuant to Code of Civil Procedure section 364, to
21 defendants SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION, and NATHAN
22 HALE ALLEN, M.D., of her intention to sue them for professional negligence.
- 23 8. On or about November 8, 2018, plaintiff employed defendants, SUTTER HEALTH, a California
24 Corporation; SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE
25 ALLEN, M.D.; and DOES 1 through 50, and retained them for compensation to examine,
26 diagnose, prescribe medicine, treat, and care for a problem involving her ovarian cyst and to
27 perform any necessary surgery in the treatment of this problem.
- 28

FIRST CAUSE OF ACTION (Professional Negligence)

9. At all times mentioned in this complaint, defendants, SUTTER HEALTH, a California Corporation; SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE ALLEN, M.D.; and DOES 1 through 50, negligently failed to possess and exercise, in both diagnosis and treatment, that reasonable degree of knowledge, and skill that is ordinarily possessed and exercised by other physicians and surgeons in the same or similar locality in similar circumstances, in that, among other things, defendants SUTTER HEALTH, a California Corporation; SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE ALLEN, M.D.; and DOES 1 through 50, did not properly diagnose and treat plaintiff for complications associated with her cyst. Additionally, defendants were negligent in the performance of surgeries to treat plaintiff's condition which resulted in substantial pain and permanent injury.

10. As a direct result of the negligence of defendants, SUTTER HEALTH, a California Corporation; SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE ALLEN, M.D.; and DOES 1 through 50, plaintiff has sustained the following injuries and damages including pain and suffering, aggravation of preexisting medical condition, past and future medical expenses, loss of earnings and earnings capacity, increased living expenses, and loss of enjoyment of life.

WHEREFORE, plaintiff demands judgment as set forth below.

SECOND CAUSE OF ACTION (Informed Consent)

11. Plaintiff incorporates by reference the allegations stated in Paragraphs 1 through 10, inclusive, as if fully set forth.

12. Defendants, SUTTER HEALTH, a California Corporation; SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE ALLEN, M.D.; and DOES 1 through 50, negligently failed to advise and warn plaintiff of the possible consequences and dangers involved in the examination, diagnosis, care, and treatment that they proposed for and to which they subjected plaintiff. Defendants, SUTTER HEALTH, a California Corporation; SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE ALLEN, M.D.; and

DOES 1 through 50, failed to make a reasonable disclosure of the information necessary for plaintiff to make an intelligent and informed choice about the care and treatment that defendants, SUTTER HEALTH, a California Corporation; SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE ALLEN, M.D.; and DOES 1 through 50, proposed for and administered to her. Had defendants, SUTTER HEALTH, a California Corporation; SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE ALLEN, M.D.; and DOES 1 through 50, adequately informed plaintiff of the possible consequences and dangers of the proposed care and treatment, plaintiff would not have consented to that care and treatment.

13. As a direct result of the negligent failure of defendants, SUTTER HEALTH, a California Corporation; SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE ALLEN, M.D.; and DOES 1 through 50, to make a reasonable disclosure of the information necessary for plaintiff to make an intelligent and informed choice about proposed care and treatment, plaintiff has sustained the following injuries and damages: including pain and suffering, aggravation of preexisting medical condition, past and future medical expenses, loss of earnings and earnings capacity, increased living expenses, and loss of enjoyment of life. WHEREFORE, plaintiff demands judgment as set forth below.

THIRD CAUSE OF ACTION (Breach of Contract)

14. Plaintiff incorporates by reference the allegations stated in Paragraphs 1 through 13, inclusive, as if fully set forth.
15. On or about November 8, 2018, plaintiff and defendants, SUTTER HEALTH, a California Corporation; SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE ALLEN, M.D.; and DOES 1 through 50, entered into an oral agreement, according to the terms of which defendants agreed to, in exchange for valuable consideration, perform the removal of an ovarian cyst.
16. In reliance on the promise made by defendants, SUTTER HEALTH, a California Corporation; SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE ALLEN, M.D.; and DOES 1 through 50, that plaintiff would enjoy an improved quality of life associated

1 with a reduction of symptoms related to the removal of her cyst, plaintiff consented to the
2 removal.

3 17. Plaintiff performed all her obligations under the terms of the agreement. On or about November
4 8, 2018, defendants, SUTTER HEALTH, a California Corporation; SUTTER ROSEVILLE
5 MEDICAL CENTER FOUNDATION; NATHAN HALE ALLEN, M.D.; and DOES 1 through
6 50, materially breached their oral contract with plaintiff in that, among other things, plaintiff's
7 colon and lung were damaged resulting in painful, serious, and permanent injury, including
8 permanent disfigurement.

9 18. As a result of the material breach of contract by defendants, SUTTER HEALTH, a California
10 Corporation; SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE
11 ALLEN, M.D.; and DOES 1 through 50, plaintiff has sustained the following injuries and
12 damages: including pain and suffering, aggravation of preexisting medical condition, past and
13 future medical expenses, loss of earnings and earnings capacity, increased living expenses, and
14 loss of enjoyment of life.

15 WHEREFORE, plaintiff demands judgment as set forth below.

16 **FOURTH CAUSE OF ACTION (Battery)**

17 19. Plaintiff incorporates by reference the allegations stated in Paragraphs 1 through 18, inclusive, as
18 if fully set forth.

19 20. Defendants, SUTTER HEALTH, a California Corporation; SUTTER ROSEVILLE MEDICAL
20 CENTER FOUNDATION; NATHAN HALE ALLEN, M.D.; and DOES 1 through 50, did in
21 fact injure plaintiff's colon, contrary to the condition on which plaintiff had consented to a cyst
22 removal.

23 21. As a result of the battery of Plaintiff by defendants, SUTTER HEALTH, a California
24 Corporation; SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE
25 ALLEN, M.D.; and DOES 1 through 50, plaintiff has sustained the following injuries and
26 damages: including pain and suffering, aggravation of preexisting medical condition, past and
27 future medical expenses, loss of earnings and earnings capacity, increased living expenses, and
28 loss of enjoyment of life.

1 WHEREFORE, plaintiff demands judgment as set forth below.

2 **FIFTH CAUSE OF ACTION (Battery)**

3 22. Plaintiff incorporates by reference the allegations stated in Paragraphs 1 through 21, inclusive, as
4 if fully set forth.

5 23. Defendants, SUTTER HEALTH, a California Corporation; SUTTER ROSEVILLE MEDICAL
6 CENTER FOUNDATION; NATHAN HALE ALLEN, M.D.; and DOES 1 through 50, did in
7 fact perform a removal of Plaintiff's ovarian cyst, but during the procedure, the plaintiff's lung
8 was injured, contrary to the condition on which plaintiff had consented.

9 24. As a result of the battery of Plaintiff by defendants, SUTTER HEALTH, a California
10 Corporation; SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE
11 ALLEN, M.D.; and DOES 1 through 50, plaintiff has sustained the following injuries and
12 damages: including pain and suffering, aggravation of preexisting medical condition, past and
13 future medical expenses, loss of earnings and earnings capacity, increased living expenses, and
14 loss of enjoyment of life.

15 WHEREFORE, plaintiff demands judgment as set forth below.

16 **SIXTH CAUSE OF ACTION (Fraudulent Representation)**

17 25. Plaintiff incorporates by reference the allegations stated in Paragraphs 1 through 24, inclusive, as
18 if fully set forth.

19 26. On or about November 8, 2018, defendants, SUTTER HEALTH, a California Corporation;
20 SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE ALLEN,
21 M.D.; and DOES 1 through 50, told plaintiff that her symptoms associated with ovarian cyst
22 would be repaired through surgery which includes removal of the cyst, and that she would
23 recover with minimal complications or intrusion upon her person.

24 27. The information defendant's gave to plaintiff was false, in that the surgery performed was not the
25 only option available and that there were other options that would not result in the permanent
26 disfigurement of plaintiff. Plaintiff is informed and believes and, on that basis, alleges that
27 defendant deliberately withheld his knowledge of medical conditions that could result from the
28 procedure to remove plaintiff's ovarian cyst.

28. Plaintiff is informed and believes and, on that basis, alleges that defendant's intended to induce plaintiff's reliance on his misrepresentations. Plaintiff did rely on those misrepresentations in that but for defendant's misrepresentations, plaintiff would not have undergone continued treatment as recommended by defendants. Plaintiff's reliance on defendant's misrepresentations was justifiable because plaintiff was unlearned in medical sciences and had a complete dependence on and trust in defendants for the information regarding her medical problem.

29. As a direct result of the fraudulent misrepresentations of defendants, plaintiff has sustained the following injuries and damages: including pain and suffering, aggravation of preexisting medical condition, past and future medical expenses, loss of earnings and earnings capacity, increased living expenses, and loss of enjoyment of life.

WHEREFORE, plaintiff demands judgment against defendants, and each of them, for the following:

- a. General damages according to proof;
- b. Damages for past and future medical and related expenses according to proof;
- c. Damages for loss of past and future earnings according to proof;
- d. Interest according to law;
- e. Costs of this action; and
- f. Any other and further relief that the court considers proper.

Dated: October 22, 2019

LAW OFFICES OF SEAN MUSGROVE



SEAN MUSGROVE
KENNETH STANTON

Attorneys for Plaintiff, ANH BAO VY HUYNH

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address):
 Sean Musgrave
 Law Office of Sean Musgrave
 75 Natoma Street, #A
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 TELEPHONE NO.: (916) 965-4577 FAX NO.: (916) 596-0410
 ATTORNEY FOR (Name): Anh Bao Vy Huynh

FOR COURT USE ONLY

FILED
 Superior Court of California
 County of Placer
 OCT 28 2019
 Jake Chatters
 Executive Officer & Clerk
 By: E. Kouvdos, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Placer
 STREET ADDRESS: 10820 Justice Center Drive
 MAILING ADDRESS: 10820 Justice Center Drive
 CITY AND ZIP CODE: Roseville, CA 95661
 BRANCH NAME:

CASE NAME: Huynh v. Sutter Health, a CA Corp., et al

CIVIL CASE COVER SHEET

☒ **Unlimited** (Amount demanded exceeds \$25,000) ☐ **Limited** (Amount demanded is \$25,000 or less)

Complex Case Designation
☐ **Counter** ☐ **Joinder**
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **SCV0043920**
 JUDGE:
 DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<p>Auto Tort</p> <p><input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)</p> <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p><input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input checked="" type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)</p> <p>Non-PI/PD/WD (Other) Tort</p> <p><input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)</p> <p>Employment</p> <p><input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)</p>	<p>Contract</p> <p><input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)</p> <p>Real Property</p> <p><input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)</p> <p>Unlawful Detainer</p> <p><input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)</p> <p>Judicial Review</p> <p><input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)</p>	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <p><input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p>Enforcement of Judgment</p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p>Miscellaneous Civil Complaint</p> <p><input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)</p> <p>Miscellaneous Civil Petition</p> <p><input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)</p>
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
- b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): 6
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 10/23/19

Kenneth Stanton

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)-Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability *(not asbestos or toxic/environmental)* (24)
Medical Malpractice (45)
Medical Malpractice-Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice *(not medical or legal)*
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract *(not unlawful detainer or wrongful eviction)*
Contract/Warranty Breach-Seller Plaintiff *(not fraud or negligence)*
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case-Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage *(not provisionally complex)* (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ-Administrative Mandamus
Writ-Mandamus on Limited Court Case Matter
Writ-Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal-Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment *(non-domestic relations)*
Sister State Judgment
Administrative Agency Award *(not unpaid taxes)*
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint *(not specified above)* (42)
Declaratory Relief Only
Injunctive Relief Only *(non-harassment)*
Mechanics Lien
Other Commercial Complaint Case *(non-tort/non-complex)*
Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition *(not specified above)* (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

Sutter Health, a California Corporation; Sutter Rosveille Medical Center Foundation; Nathan Hale Allen, M.D.; Does 1-50 Inclusive

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Anh Bao Vy Huynh

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
Superior Court of California
County of Placer

OCT 28 2019

Jake Chatters
Executive Officer & Clerk
By: E. Kouvdos, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

Placer County Superior Court
10820 Justice Center Drive
Roseville, CA 95661

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Sean Musgrove 229822 Law Office of Sean Musgrove
75 Natoma Street, #A (916) 965-4577
Folsom, CA 95630

CASE NUMBER
(Número de caso): **CV 0043920**

DATE:
(Fecha) **OCT 28 2019**

Clerk, by
(Secretario) **E. KOUVDOS**, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)
☐ CCP 416.20 (defunct corporation)
☐ CCP 416.40 (association or partnership)
☐ other (specify):

☐ CCP 416.60 (minor)
☐ CCP 416.70 (conservatee)
☐ CCP 416.90 (authorized person)

- ☐ by personal delivery on (date):

Superior Court of the State of California

In and For The County of Placer

CASE NO. **8CV0043920**

A CASE MANAGEMENT CONFERENCE HAS BEEN SCHEDULED:

DATE: **February 25, 2020**

TIME: ☒ **10:00 A.M. If your case number starts with "S-CV"**

☐ **10:30 A.M. If your case number starts with "S-CV" and is deemed Complex**

☐ **11:00 A.M. If your case number starts with "M-CV"**

DEPT: **40 - 10820 Justice Center Drive, Roseville, California**

IF YOU DO NOT HAVE AN ATTORNEY, READ THIS:

The judge does **not** decide whether you win or lose your case at this court date. If you do not file an "Answer," or other "responsive pleading," you will automatically lose this case, usually before this court date. The Answer or responsive pleading must be given to the court clerk within 30 days of the day you received the Summons, along with a filing fee or application for waiver of court fees.

You can get free help filling out your Answer or responsive pleading at the court's Legal Help Center. For more information or to schedule an appointment, go to the court's website at www.placer.courts.ca.gov and select "Legal Help Center."

INFORMATION ABOUT CASE MANAGEMENT CONFERENCES:

15 calendar days before the Case Management Conference, you must file and serve a completed Case Management Statement (CM-110).

You do not need to come to court for the first Case Management Conference. You can see the court's proposed orders 12 calendar days before the Case Management Conference on the court's website, www.placer.courts.ca.gov. Select "Tentative Rulings and Calendar Notes," then "Civil Case Management Conference." If you do not have Internet access, call the court at 916-408-6000 to get the information.

The court does not provide a court reporter at Case Management Conferences or Law & Motion hearings. If you want the proceedings reported, you must provide your own court reporter at your own expense.

IF YOU WANT TO APPEAR BY TELEPHONE, you must schedule your telephonic appearance through the court's website, www.placer.courts.ca.gov. Select "Telephonic Appearance System." For more information on the telephonic appearance system, please visit our "How to" guide on the website. **YOU MUST PAY ONLINE TO USE THIS SERVICE UNLESS YOU HAVE BEEN GRANTED A FEE WAIVER BY THE COURT.**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Kenneth Stanton Law Office of Sean Musgrove 75 Natoma Street, Suite A Folsom, CA 95630 TELEPHONE NO.: (916) 965-4577 FAX NO. (Optional): (916) 596-0410 E-MAIL ADDRESS (Optional): myteam@seanmusgrove.net ATTORNEY FOR (Name): Anh Bao Vy Huynh		SBN:316483 FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF PLACER DEC 02 2019 JAKE CHATTERS EXECUTIVE OFFICER & CLERK By: C. Waggoner, Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Placer STREET ADDRESS: 10820 Justice Center Dr. MAILING ADDRESS: P.O. Box 619072 CITY AND ZIP CODE: Roseville, CA 95661 BRANCH NAME: Civil		CASE NUMBER: SCV*0043920	
PLAINTIFF/PETITIONER: Anh Bao Vy Huynh DEFENDANT/RESPONDENT: Sutter Health, a California Corporation, et al		Ref. No. or File No.:	
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.:	

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
 2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Notice of Case Management Conference
 3. a. Party served (specify name of party as shown on documents served):
Sutter Health, a California Corporation
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Joe Bautista (Paralegal) authorized to receive service of process for Sutter Health a California Corporation
 4. Address where the party was served:
2200 River Plaza Drive
Sacramento, CA 95833
 5. I served the party (check proper box)
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **11/25/19** (2) at (time): **1:00 p.m.**
 - b. ☐ **by substituted service.** On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): _____
- (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: Anh Bao Vy Huynh

CASE NUMBER:

SCV-0043920

DEFENDANT/RESPONDENT: Sutter Health, a California Corporation, et al

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date) : (2) from (city) :
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (*specify means of service and authorizing code section*):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (*specify*):
- c. ☐ as occupant.
- d. ☒ On behalf of (*specify*): **Sutter Health, a California Corporation**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: **Mike Morehead**
- b. Address: **4005 Manzanita Ave., Suite 6-231, Carmichael, CA 95608**
- c. Telephone number: **(916) 955-6523**
- d. The fee for service was: \$ **60.00**
- e. I am:
- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: **2005-02**
- (iii) County: **Sacramento**

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 11/26/19

Mike Morehead - Reg Process Svr

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Kenneth Stanton Law Office of Sean Musgrove 75 Natoma Street, Suite A Folsom, CA 95630 TELEPHONE NO.: (916) 965-4577 FAX NO. (Optional): (916) 596-0410 E-MAIL ADDRESS (Optional): myteam@seanmusgrove.net ATTORNEY FOR (Name): Anh Bao Vy Huynh		SBN:316483 FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF PLACER DEC 02 2019 JAKE CHATTERS EXECUTIVE OFFICER & CLERK By: C. Waggoner, Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Placer STREET ADDRESS: 10820 Justice Center Dr. MAILING ADDRESS: P.O. Box 619072 CITY AND ZIP CODE: Roseville, CA 95661 BRANCH NAME: Civil			
PLAINTIFF/PETITIONER: Anh Bao Vy Huynh DEFENDANT/RESPONDENT: Sutter Health, a California Corporation, et al		CASE NUMBER: SCV*0043920	
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.:	

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
 2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Notice of Case Management Conference
 3. a. Party served (specify name of party as shown on documents served):
Sutter Roseville Medical Center Foundation
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Phillip Lozano (Risk Specialist) authorized to receive service of process for
Sutter Roseville Medical Center Foundation
 4. Address where the party was served:
2801 Capitol Ave., Suite 202
Sacramento, CA 95816
 5. I served the party (check proper box)
 - a. ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 11/25/19 (2) at (time): 11:55 a.m.
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
- (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/DEBTOR: Anh Bao Vy, et al

CASE NUMBER:

SCV-0043920

DEFENDANT/RESPONDENT: Sutter Health, a California Corporation, et al

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date) : (2) from (city) :
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify) :
- c. ☐ as occupant.
- d. ☒ On behalf of (specify) : **Sutter Roseville Medical Center Foundation**

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: **Mike Morehead**
- b. Address: **4005 Manzanita Ave., Suite 6-231, Carmichael, CA 95608**
- c. Telephone number: **(916) 955-6523**
- d. The fee for service was: \$ **60.00**
- e. I am:
- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: **2005-02**
- (iii) County: **Sacramento**

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 11/26/19

Mike Morehead - Reg Process Svr

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, and address): Kenneth Stanton Law Office of Sean Musgrove 75 Natoma Street, Suite A Folsom, CA 95630 TELEPHONE NO.: (916) 965-4577 FAX NO. (Optional): (916) 596-0410 E-MAIL ADDRESS (Optional): myteam@seanmusgrove.net ATTORNEY FOR (Name): Anh Bao Vy Huynh		FOR COURT USE ONLY FILED Superior Court of California County of Placer DEC 05 2019 Jake Chatters Executive Officer & Clerk By: O. Lucatuorto, Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Placer STREET ADDRESS: 10820 Justice Center Dr. MAILING ADDRESS: P.O. Box 619072 CITY AND ZIP CODE: Roseville, CA 95661 BRANCH NAME: Civil		CASE NUMBER: SCV*0043920	
PLAINTIFF/PETITIONER: Anh Bao Vy Huynh DEFENDANT/RESPONDENT: Sutter Health, a California Corporation, et al		Ref. No. or File No.:	
PROOF OF SERVICE OF SUMMONS			

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Notice of Case Management Conference
3. a. Party served (specify name of party as shown on documents served):
Nathan Hale Allen
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
927 Cobble Shores Drive
Sacramento, CA 95831
5. I served the party (check proper box)
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **12/01/19** (2) at (time): **10:18 a.m.**
 - b. ☐ **by substituted service.** On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: AMT DAO V. Lynn

NUMBER:

SCV-0043920

DEFENDANT/RESPONDENT: Sutter Health, a California Corporation, et al

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- ☐ 416.10 (corporation)
- ☐ 416.20 (defunct corporation)
- ☐ 416.30 (joint stock company/association)
- ☐ 416.40 (association or partnership)
- ☐ 416.50 (public entity)

- ☐ 415.95 (business organization, form unknown)
- ☐ 416.60 (minor)
- ☐ 416.70 (ward or conservatee)
- ☐ 416.90 (authorized person)
- ☐ 415.46 (occupant)
- ☐ other:

7. **Person who served papers**

- a. Name: **Mike Morehead**
- b. Address: **4005 Manzanita Ave., Suite 6-231, Carmichael, CA 95608**
- c. Telephone number: **(916) 955-6523**
- d. The fee for service was: \$ **60.00**
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: **2005-02**
- (iii) County: **Sacramento**

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **12/02/19**

Mike Morehead - Reg Process Svr

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

\$435

P O R T E R | S C O T T
A PROFESSIONAL CORPORATION
David A. Melton, SBN 176340
Kelly M. Bell, SBN 316176
Olatomiwa T. Aina, SBN 325566
350 University Avenue, Suite 200
Sacramento, California 95825
TEL: 916.929.1481
FAX: 916.927.3706

FILED
Superior Court of California
County of Placer

DEC 26 2019

Jake Chatters
Executive Officer & Clerk
By: O. Lucatuorto, Deputy

Attorneys for Defendant
SUTTER VALLEY HOSPITALS dba SUTTER MEDICAL CENTER, SACRAMENTO

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF PLACER**

ANH BAO VY HUYNH, Plaintiff, vs. SUTTER HEALTH, a California Corporation; SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION; NATHAN HALE ALLEN, M.D., and DOES 1-50, INCLUSIVE, Defendants.	CASE NO: SCV0043920 ANSWER TO COMPLAINT
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Defendant, SUTTER VALLEY HOSPITALS dba SUTTER MEDICAL CENTER, SACRAMENTO (erroneously sued as SUTTER HEALTH) hereby answers the Complaint of Plaintiff on file herein as follows:

GENERAL AND SPECIFIC DENIALS

Pursuant to the provisions of California Code of Civil Procedure section 431.30(d), Defendant denies, generally and specifically, each and every allegation contained in the Complaint, and further denies that Plaintiff has been damaged in the amount or amounts alleged therein, or in any other amount, or at all, by reason of any act or omission on the part of Defendant, or by any act or omission by any agent or employee of Defendant. Defendant further denies, generally and specifically, that Plaintiff is entitled to any relief whatsoever.

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1
2 **FIRST AFFIRMATIVE DEFENSE**

3 **(Failure to State a Cause of Action)**

4 The Complaint, and each and every cause of action alleged therein fails to state facts
5 sufficient to constitute a cause of action for which relief may be granted.

6 **SECOND AFFIRMATIVE DEFENSE**

7 **(Acts of Other Parties)**

8 Defendant alleges that, if Defendant is subjected to any liability by Plaintiff, it will be due
9 in whole or in part to the acts and/or omissions of other parties, or parties unknown at this time, and
10 any recovery obtained by Plaintiff should be barred or reduced according to law, up to and including
11 the whole thereof.

12 **THIRD AFFIRMATIVE DEFENSE**

13 **(Assumption of Risk)**

14 The Complaint, and each and every cause of action alleged therein, is barred in that Plaintiff,
15 with full knowledge of all risks attendant thereto, voluntarily and knowingly assumed *any and all*
16 risks attendant upon Plaintiff's conduct, including any purported damages alleged to be related
thereto and proximately caused thereby.

17 **FOURTH AFFIRMATIVE DEFENSE**

18 **(Comparative Negligence)**

19 Defendant alleges that Plaintiff was negligent, and otherwise at fault, with regard to the
20 events alleged in the Complaint, and such negligence and fault is the proximate cause of any
21 liabilities or damages Plaintiff may incur. Accordingly, Plaintiff's recovery, if any, should be
22 precluded or reduced in proportion to their negligence and fault.

23 **FIFTH AFFIRMATIVE DEFENSE**

24 **(Estoppel)**

25 The Complaint, and each and every cause of action alleged therein, is barred by the doctrine
26 of estoppel.

27 //

28 //

SIXTH AFFIRMATIVE DEFENSE

(Failure to Exercise Ordinary Care)

The Complaint, and each and every cause of action alleged therein, is barred in that Plaintiff failed to exercise ordinary and reasonable care on Plaintiff's own behalf and such negligence and carelessness was a proximate cause of some portion, up to and including the whole of, Plaintiff's own alleged injuries and damages, if any, and Plaintiff's recovery therefore should be barred or reduced according to law, up to and including the whole thereof.

SEVENTH AFFIRMATIVE DEFENSE

(Laches)

The Complaint, and each and every cause of action alleged therein, is barred by the doctrine of laches.

EIGHTH AFFIRMATIVE DEFENSE

(Res Judicata/Collateral Estoppel)

The Complaint, and each and every cause of action alleged therein, is barred by the doctrines of res judicata and/or collateral estoppel.

NINTH AFFIRMATIVE DEFENSE

(Several Liability for Non-Economic Damages)

If Defendant has any liability to Plaintiff in this action, which is denied, it is only severally liable for Plaintiff's non-economic damages under Civil Code sections 1431.1 and 1431.2. Therefore, Defendant requests a judicial determination of the percentage of its negligence, if any, which proximately contributed to the subject incident.

TENTH AFFIRMATIVE DEFENSE

(Civil Code of Procedure § 3333.1)

As and for a sixth, separate and distinct affirmative defense to the Complaint, this answering defendant alleges that in the event this answering defendant is found liable, which this defendant denies and states merely for the purpose of this affirmative defense, this answering defendant may elect to introduce evidence of any amount paid or payable, if any, as a benefit to plaintiff and claim credit pursuant to Civil Code of Procedure § 3333.1.

//

ELEVENTH AFFIRMATIVE DEFENSE

(Civil Code of Procedure § 3333.2)

As and for a seventh, separate and distinct affirmative defense to the Complaint, this answering defendant alleges that in the event this answering defendant is to be found negligent, which this defendant denies and states merely for the purpose of this affirmative defense, the damages for non-economic losses shall not exceed the amount specified in Civil Code of Procedure § 3333.2.

TWELFTH AFFIRMATIVE DEFENSE

(Code of Civil Procedure § 667.7)

As and for an eighth, separate and distinct affirmative defense to the Complaint, this answering defendant alleges that in the event this answering defendant is found liable, which this defendant denies and states merely for the purposes of this affirmative defense, this answering defendant may elect to have future damages, if in excess of the amount specific in Code of Civil Procedure § 667.7, paid in full or in part as specified in Code of Civil Procedure § 667.7.

THIRTEENTH AFFIRMATIVE DEFENSE

(Additional Defenses)

Defendant may have additional defenses that cannot be articulated due to Plaintiff's failure to particularize Plaintiff's claims, due to the fact that Defendant does not have copies of certain DOCUMENTS bearing on Plaintiff's claims and due to Plaintiff's failure to provide more specific information concerning the nature of the damage claims and claims for certain costs for which Plaintiff alleges that Defendant may share some responsibility. Defendant therefore reserves the right to assert additional defenses upon further particularization of Plaintiff's claims, upon examination of the DOCUMENTS provided, upon discovery of further information concerning the alleged damage claims and claims for costs, and upon the development of other pertinent information.

//

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1 WHEREFORE, this answering Defendant prays that Plaintiff take nothing by reason of the
2 Complaint on file herein, and that this answering Defendant be awarded costs of suit and such further
3 relief as the court may deem just and appropriate.

4 Dated: December 23, 2019

5 PORTER SCOTT
6 A PROFESSIONAL CORPORATION

7 By 

8 David A. Melton
9 Attorneys for Defendant
10 SUTTER VALLEY HOSPITALS dba
11 SUTTER MEDICAL CENTER,
12 SACRAMENTO
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CASE NAME: *HUYNH v. SUTTER HEALTH, et al.*
COURT: PLACER COUNTY SUPERIOR COURT
CASE NO.: SCV0043920

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is 350 University Avenue, Suite 200, Sacramento, California 95825.

On the date below, I served the following document:

ANSWER TO COMPLAINT

XX	BY MAIL: I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
	BY PERSONAL SERVICE. I personally delivered the document(s) to the person(s) at the address(es) listed below. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of 9:00 a.m. and 5:00 p.m. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of 8:00 a.m. and 6:00 p.m.
	BY FAX TRANSMISSION: Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached
	BY ELECTRONIC SERVICE: Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification address listed below.

Addressed as follows:

Sean Musgrove
Kenneth Stanton
Law Offices of Sean Musgrove
75 Natoma Street, Suite A
Folsom, CA 95630

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Sacramento, California on December 23, 2019.


Molly Flores

1]
2 **PORTER | SCOTT**

3 A PROFESSIONAL CORPORATION

4 David A. Melton, SBN 176340

5 Kelly M. Bell, SBN 316176

6 Olatomiwa T. Aina, SBN 325566

7 350 University Avenue, Suite 200

8 Sacramento, California 95825

9 TEL: 916.929.1481

10 FAX: 916.927.3706

11 Attorneys for Defendants

12 SUTTER VALLEY HOSPITALS dba SUTTER MEDICAL CENTER, SACRAMENTO

13 And SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION

FILED
Superior Court of California
County of Placer

JAN 15 2020

Jake Chatters
Executive Officer & Clerk
By: K. Pearson, Deputy

KP

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF PLACER

12 ANH BAO VY HUYNH,

13 Plaintiff,

14 vs.

15 SUTTER HEALTH, a California Corporation;
16 SUTTER ROSEVILLE MEDICAL CENTER
17 FOUNDATION; NATHAN HALE ALLEN,
18 M.D., and DOES 1-50, INCLUSIVE,

19 Defendants.

CASE NO: SCV0043920

ANSWER TO COMPLAINT

20 Defendant, SUTTER ROSEVILLE MEDICAL CENTER FOUNDATION hereby answers
21 the Complaint of Plaintiff on file herein as follows:

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GENERAL AND SPECIFIC DENIALS

Pursuant to the provisions of California Code of Civil Procedure section 431.30(d),
Defendant denies, generally and specifically, each and every allegation contained in the Complaint,
and further denies that Plaintiff has been damaged in the amount or amounts alleged therein, or in
any other amount, or at all, by reason of any act or omission on the part of Defendant, or by any act
or omission by any agent or employee of Defendant. Defendant further denies, generally and
specifically, that Plaintiff is entitled to any relief whatsoever.

//

1 **FIRST AFFIRMATIVE DEFENSE**

2 **(Failure to State a Cause of Action)**

3 The Complaint, and each and every cause of action alleged therein fails to state facts
4 sufficient to constitute a cause of action for which relief may be granted.

5 **SECOND AFFIRMATIVE DEFENSE**

6 **(Acts of Other Parties)**

7 Defendant alleges that, if Defendant is subjected to any liability by Plaintiff, it will be due
8 in whole or in part to the acts and/or omissions of other parties, or parties unknown at this time, and
9 any recovery obtained by Plaintiff should be barred or reduced according to law, up to and including
10 the whole thereof.

11 **THIRD AFFIRMATIVE DEFENSE**

12 **(Assumption of Risk)**

13 The Complaint, and each and every cause of action alleged therein, is barred in that Plaintiff,
14 with full knowledge of all risks attendant thereto, voluntarily and knowingly assumed any and all
15 risks attendant upon Plaintiff's conduct, including any purported damages alleged to be related
16 thereto and proximately caused thereby.

17 **FOURTH AFFIRMATIVE DEFENSE**

18 **(Comparative Negligence)**

19 Defendant alleges that Plaintiff was negligent, and otherwise at fault, with regard to the
20 events alleged in the Complaint, and such negligence and fault is the proximate cause of any
21 liabilities or damages Plaintiff may incur. Accordingly, Plaintiff's recovery, if any, should be
22 precluded or reduced in proportion to their negligence and fault.

23 **FIFTH AFFIRMATIVE DEFENSE**

24 **(Estoppel)**

25 The Complaint, and each and every cause of action alleged therein, is barred by the doctrine
26 of estoppel.

27 //

28 //

SIXTH AFFIRMATIVE DEFENSE

(Failure to Exercise Ordinary Care)

The Complaint, and each and every cause of action alleged therein, is barred in that Plaintiff failed to exercise ordinary and reasonable care on Plaintiff's own behalf and such negligence and carelessness was a proximate cause of some portion, up to and including the whole of, Plaintiff's own alleged injuries and damages, if any, and Plaintiff's recovery therefore should be barred or reduced according to law, up to and including the whole thereof.

SEVENTH AFFIRMATIVE DEFENSE

(Laches)

The Complaint, and each and every cause of action alleged therein, is barred by the doctrine of laches.

EIGHTH AFFIRMATIVE DEFENSE

(Res Judicata/Collateral Estoppel)

The Complaint, and each and every cause of action alleged therein, is barred by the doctrines of res judicata and/or collateral estoppel.

NINTH AFFIRMATIVE DEFENSE

(Several Liability for Non-Economic Damages)

If Defendant has any liability to Plaintiff in this action, which is denied, it is only severally liable for Plaintiff's non-economic damages under Civil Code sections 1431.1 and 1431.2. Therefore, Defendant requests a judicial determination of the percentage of its negligence, if any, which proximately contributed to the subject incident.

TENTH AFFIRMATIVE DEFENSE

(Civil Code of Procedure § 3333.1)

As and for a sixth, separate and distinct affirmative defense to the Complaint, this answering defendant alleges that in the event this answering defendant is found liable, which this defendant denies and states merely for the purpose of this affirmative defense, this answering defendant may elect to introduce evidence of any amount paid or payable, if any, as a benefit to plaintiff and claim credit pursuant to Civil Code of Procedure § 3333.1.

//

ELEVENTH AFFIRMATIVE DEFENSE**(Civil Code of Procedure § 3333.2)**

As and for a seventh, separate and distinct affirmative defense to the Complaint, this answering defendant alleges that in the event this answering defendant is to be found negligent, which this defendant denies and states merely for the purpose of this affirmative defense, the damages for non-economic losses shall not exceed the amount specified in Civil Code of Procedure § 3333.2.

TWELFTH AFFIRMATIVE DEFENSE**(Code of Civil Procedure § 667.7)**

As and for an eighth, separate and distinct affirmative defense to the Complaint, this answering defendant alleges that in the event this answering defendant is found liable, which this defendant denies and states merely for the purposes of this affirmative defense, this answering defendant may elect to have future damages, if in excess of the amount specific in Code of Civil Procedure § 667.7, paid in full or in part as specified in Code of Civil Procedure § 667.7.

THIRTEENTH AFFIRMATIVE DEFENSE**(Additional Defenses)**

Defendant may have additional defenses that cannot be articulated due to Plaintiff's failure to particularize Plaintiff's claims, due to the fact that Defendant does not have copies of certain DOCUMENTS bearing on Plaintiff's claims and due to Plaintiff's failure to provide more specific information concerning the nature of the damage claims and claims for certain costs for which Plaintiff alleges that Defendant may share some responsibility. Defendant therefore reserves the right to assert additional defenses upon further particularization of Plaintiff's claims, upon examination of the DOCUMENTS provided, upon discovery of further information concerning the alleged damage claims and claims for costs, and upon the development of other pertinent information.

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1 WHEREFORE, this answering Defendant prays that Plaintiff take nothing by reason of the
2 Complaint on file herein, and that this answering Defendant be awarded costs of suit and such further
3 relief as the court may deem just and appropriate.

4 Dated: January 12, 2020

5 PORTER SCOTT
6 A PROFESSIONAL CORPORATION

7 By 

8 David A. Melton
9 Attorneys for Defendants
10 SUTTER VALLEY HOSPITALS dba
11 SUTTER MEDICAL CENTER,
12 SACRAMENTO and SUTTER ROSEVILLE
13 MEDICAL CENTER FOUNDATION
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CASE NAME: *HUYNH v. SUTTER HEALTH, et al.*
COURT: PLACER COUNTY SUPERIOR COURT
CASE NO.: SCV0043920

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is 350 University Avenue, Suite 200, Sacramento, California 95825.

On the date below, I served the following document:

ANSWER TO COMPLAINT

XX	BY MAIL: I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
	BY PERSONAL SERVICE. I personally delivered the document(s) to the person(s) at the address(es) listed below. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of 9:00 a.m. and 5:00 p.m. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of 8:00 a.m. and 6:00 p.m.
	BY FAX TRANSMISSION: Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached
	BY ELECTRONIC SERVICE: Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification address listed below.

Addressed as follows:

Sean Musgrove
Kenneth Stanton
Law Offices of Sean Musgrove
75 Natoma Street, Suite A
Folsom, CA 95630

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Sacramento, California on January 13, 2020.


Molly Flores

FILED
Superior Court of California
County of Placer

JAN 27 2020

Jake Chatters
Executive Officer & Clerk
By: M. Olivarez-Fuentes, Deputy

LAWRENCE S. GIARDINA, BAR NO. 119229
SCHUERING ZIMMERMAN & DOYLE, LLP
400 University Avenue
Sacramento, California 95825-6502
(916) 567-0400
FAX: 568-0400

Attorneys for Defendant NATHAN HALE ALLEN, M.D.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF PLACER

ANH BAO VY HUYNH,

NO. SCV0043920

Plaintiff,

ANSWER TO COMPLAINT

vs.

SUTTER HEALTH, a California
Corporation; SUTTER ROSEVILLE
MEDICAL CENTER FOUNDATION;
NATHAN HALE ALLEN, M.D., and DOES 1-
50, INCLUSIVE,

Defendants.

Comes now Defendant NATHAN HALE ALLEN, M.D., and answering the Complaint
of Plaintiff on file herein, admits, denies and alleges as follows:

I.

GENERAL DENIAL

Defendant generally and specifically denies each and every allegation and cause
of action of the unverified Complaint for Damages pursuant to the provisions of Code of
Civil Procedure section 431.30, subdivision (d), and further specifically denies that Plaintiff
has been damaged in the manner or amount alleged or in any other manner or amount
due to any wrongful act by or attributable to this Defendant.

COMPARATIVE NEGLIGENCE OF PLAINTIFF

III.

Other persons or entities who are parties to this action and other persons or entities who are not parties to this action are liable for negligence or other legal fault and are the legal cause of any injuries or damages, so if Plaintiff obtains a judgment for damages, it would be the result of this conduct.

EXPRESS ASSUMPTION OF THE RISK

V.

VI.

VII.

01235782.WPD

1 information about the risks.

2 B. Defendant was not required to inform plaintiff or the decedent about any risks of
3 the procedure or the treatment because he asked not to be told of the risks.

4 C. Defendant was not required to inform plaintiff or the decedent about any risks of
5 the procedure or the treatment because the procedure or the treatment was
6 simple and it was commonly understood any dangers were not likely to occur.

7 D. Defendant was not required to inform plaintiff or the decedent about any risks of
8 the procedure or the treatment because plaintiff or the decedent would have been
9 so seriously upset that he would not have been able to reasonably consider those
10 risks.

11 E. Defendant was not required to obtain informed consent because an emergency
12 existed and plaintiff or the decedent was unconscious or there was not enough
13 time to inform him or an authorized person about the risks of the procedure or the
14 treatment.

15 **VIII.**

16 **GOOD SAMARITAN**

17 Defendant is immune from liability pursuant to Business and Professions Code
18 sections 2395, 2395.5, 2396, and 2397 and Health and Safety Code section 1317(f).

19 **IX.**

20 **ADMISSIBILITY OF BENEFITS/LIMITATION ON NON-ECONOMIC DAMAGES**

21 Defendant reserves the right to introduce evidence of any amounts paid or to be
22 paid as a benefit to plaintiff pursuant to Civil Code section 3333.1 and Defendant claims
23 the protection of Civil Code section 3333.2.

24 **X.**

25 **NATURAL COURSE OF DISEASE/CONDITION**

26 This action is barred pursuant to Civil Code section 1714.8 because plaintiff's
27 alleged personal or wrongful death injuries and damages were solely the result of the
28 natural course of a disease or condition or the expected result of reasonable treatment

1 provided for the disease or condition by Defendant.

2 **XI.**

3 **PAYMENT OF FUTURE BENEFITS**

4 Defendant reserves the right to have future damages, if any, paid in whole or in
5 part, pursuant to Code of Civil Procedure sections 667 and 667.7.

6 **XII.**

7 **FEDERAL TORT CLAIMS ACT**

8 This action is premature as plaintiff failed to make a claim under the Federal
9 Torts Claim Act and exhaust all available remedies prior to filing this claim in Superior
10 Court as defendant receives Federal funds.

11 **WHEREFORE**, Defendant prays that Plaintiff take nothing by reason of the
12 Complaint on file herein, for costs of suit incurred herein; and, for such other and
13 further relief as the court deems just and proper.

14
15 Dated: January 23, 2020

16 **SCHUERING ZIMMERMAN & DOYLE, LLP**

17
18 By 

19 LAWRENCE S. GIARDINA
20 Attorneys for Defendant NATHAN HALE
21 ALLEN, M.D.
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Proof of Service by Mail - Civil

[Code of Civ. Proc. §§ 1011, 1013, 1013a, 2015.5, CRC 10.503, 2.100-2.119]

I, Robin Kohl, declare:

At the time of service, I was over 18 years of age and not a party to this action.

My business address is: **400 University Avenue, Sacramento, California 95825.**

On January 23, 2020, I served the following documents:

ANSWER TO COMPLAINT

By United States mail: I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses given below and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at **Sacramento, California.**

I served the documents on the persons addressed as follows:

Attorney	Representing	Phone/Fax/E-Mail
Sean Musgrove, Esq.. LAW OFFICE OF SEAN MUSGROVE 75 Natoma Street, #A Folsom, CA 95630	Plaintiff	916-965-4577 FAX: 916-596-0410

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was executed on January 23, 2020, at Sacramento, California.



Robin Kohl
1358-12087

CM-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): David A. Melton, SBN 176340, Kelly M. Bell, SBN 316176 Porter Scott 350 University Avenue, Suite 200, Sacramento, CA 95814 TELEPHONE NO.: (916) 929-1481 FAX NO. (Optional): (916) 927-3706 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Sutter Valley Hospitals & Sutter Roseville Medical Center	FOR COURT USE ONLY <div style="font-size: 1.5em; font-weight: bold; margin: 10px 0;">FILED</div> Superior Court of California County of Placer <div style="font-size: 1.2em; font-weight: bold; margin: 10px 0;">FEB 06 2020</div> Jake Chatters Executive Officer & Clerk By: K. Zaragoza, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF PLACER STREET ADDRESS: 10820 Justice Center Drive MAILING ADDRESS: CITY AND ZIP CODE: Roseville, 95678 BRANCH NAME: Santucci Justice Center	CASE NUMBER: SCV0043920
PLAINTIFF/PETITIONER: ANH BAO VY HUYNH DEFENDANT/RESPONDENT: SUTTER HEALTH, et al.	
<div style="text-align: center; font-weight: bold;">CASE MANAGEMENT STATEMENT</div> (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)	
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: February 25, 2020 Time: 10:00 a.m. Dept.: 40 Div.: Room: Address of court (if different from the address above): <input checked="" type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): Kelly M. Bell	

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties** (answer one):
 - a. ☒ This statement is submitted by party (name): Defs. Sutter Valley Hospitals & Sutter Roseville Medical Center
 - b. ☐ This statement is submitted **jointly** by parties (names):

2. **Complaint and cross-complaint** (to be answered by plaintiffs and cross-complainants only)
 - a. The complaint was filed on (date):
 - b. ☐ The cross-complaint, if any, was filed on (date):

3. **Service** (to be answered by plaintiffs and cross-complainants only)
 - a. ☐ All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
 - b. ☐ The following parties named in the complaint or cross-complaint
 - (1) ☐ have not been served (specify names and explain why not):
 - (2) ☐ have been served but have not appeared and have not been dismissed (specify names):
 - (3) ☐ have had a default entered against them (specify names):
 - c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):

4. **Description of case**
 - a. Type of case in ☒ complaint ☐ cross-complaint (Describe, including causes of action):
 Professional Negligence.

CM-110

PLAINTIFF/PETITIONER: ANH BAO VY HUYNH	CASE NUMBER:
DEFENDANT/RESPONDENT: SUTTER HEALTH, et al.	SCV0043920

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)

Plaintiff alleges medical malpractice against defendants.

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request ☒ a jury trial ☐ a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. **Trial date**

a. ☐ The trial has been set for (date):

b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):

c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):
See Attachment 6c

7. **Estimated length of trial**

The party or parties estimate that the trial will take (check one):

a. ☒ days (specify number): 5

b. ☐ hours (short causes) (specify):

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

f. Fax number:

e. E-mail address:

g. Party represented:

☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference (specify code section):

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation (if available).**

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (specify exemption):

CM-110

PLAINTIFF/PETITIONER: ANH BAO VY HUYNH	CASE NUMBER:
DEFENDANT/RESPONDENT: SUTTER HEALTH, et al.	SCV0043920

10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

CM-110

PLAINTIFF/PETITIONER: ANH BAO VY HUYNH	CASE NUMBER:
DEFENDANT/RESPONDENT: SUTTER HEALTH, et al.	SCV0043920

11. Insurance

- a. ☒ Insurance carrier, if any, for party filing this statement (name): Sedgwick CMS
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (explain):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☐ Other (specify):

Status:

13. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (name party):

14. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

15. Other motions

- ☒ The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):
Pre-trial motions, Motion for summary judgment.

16. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (describe all anticipated discovery):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Defendant	Subpoena plaintiff's medical/billing records	April 2020
Defendant	Plaintiff's deposition	June 2020
Defendant	Expert discovery	Per code

- c. ☐ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (specify):

CM-110

PLAINTIFF/PETITIONER: ANH BAO VY HUYNH	CASE NUMBER: SCV0043920
DEFENDANT/RESPONDENT: SUTTER HEALTH, et al.	

17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (specify):

19. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

20. Total number of pages attached (if any): 1

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: February 3, 2020

Kelly M. Bell

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

ATTACHMENT 6c

03/09-03/14/20; 03/16-03/21/20; 03/23-03/28/20; 03/30-04/04/20; 04/06-04/11/20; 04/20-04/25/20; 04/27-05/01/20; 05/05-05/10/20; 05/18-05/23/20; 06/01-06/06/20; 06/15-06/20/20; 06/22-06/27/20; 07/13-07/18/20; 07/27-08/02/20; 08/17-08/22/20; 09/28-10/03/20; 10/05-10/10/20; 03/22-03/28/21; 04/27-05/02/21.

CASE NAME: *HUYNH v. SUTTER HEALTH, et al.*
COURT: PLACER COUNTY SUPERIOR COURT
CASE NO.: SCV0043920

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is 350 University Avenue, Suite 200, Sacramento, California 95825.

On the date below, I served the following document:

CASE MANAGEMENT STATEMENT

XX	BY MAIL: I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
	BY PERSONAL SERVICE. I personally delivered the document(s) to the person(s) at the address(es) listed below. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of 9:00 a.m. and 5:00 p.m. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of 8:00 a.m. and 6:00 p.m.
	BY FAX TRANSMISSION: Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached
	BY ELECTRONIC SERVICE: Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification address listed below.

Addressed as follows:

Sean Musgrove
Kenneth Stanton
Law Offices of Sean Musgrove
75 Natoma Street, Suite A
Folsom, CA 95630

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Sacramento, California on February 4, 2020.


Molly Flores

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

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4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)

Plaintiff alleges medical malpractice against all defendants. Damages unknown. Discovery is continuing.

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request ☒ a jury trial ☐ a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. **Trial date**

- a. ☐ The trial has been set for (date):
- b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain): This case should be redesignated with a disposition date within 18 months from the filing of the complaint.
- c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):
Commencing 2021: 3/2/21-3/22/21 trial; 4/20/21-5/3/21 Trial; 6/7/21-6/11/21 Trial

7. **Estimated length of trial**

The party or parties estimate that the trial will take (check one):

- a. ☒ days (specify number): 7 to 10 days
- b. ☐ hours (short causes) (specify):

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

- a. Attorney:
- b. Firm:
- c. Address:
- d. Telephone number:
- e. E-mail address:
- f. Fax number:
- g. Party represented:
- ☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference (specify code section):

10. **Alternative dispute resolution (ADR)**

- a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☐ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☒ has ☐ has not reviewed the ADR information package identified in rule 3.221.

- b. **Referral to judicial arbitration or civil action mediation (if available).**

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☒ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (specify exemption): This is a complex medical malpractice action requiring expert witnesses. Exceeds judicial limits.

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10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

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11. Insurance

- a. ☒ Insurance carrier, if any, for party filing this statement (*name*): Beta Healthcare
- b. Reservation of rights: ☐ Yes ☒ No
- c. ☒ Coverage issues will significantly affect resolution of this case (*explain*): Defendant has tendered defense.

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☒ Other (*specify*): Dr. Allen's employer, Wellspace, has tendered this case to the federal government as it

Status: is a FTCA deemed facility. If they accept the tender, they will move to remove case to federal court.

13. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (*name party*):

14. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

15. Other motions

- ☒ The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):
See above.

16. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):
- | Party | Description | Date |
|---|-------------|------|
| No discovery propounded due to case tender described above. | | |

- c. ☐ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

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17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- ☒ The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*): Defendant has tendered defense and indemnity to the Department of Health and Human Services. Defendant anticipates the tender will be accepted and the matter will be removed to the United States District Court.

19. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*): Issues of liability, causation and damages remain in dispute.

20. Total number of pages attached (if any): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: February 5, 2020

LAWRENCE S. GIARDINA, ESQ.

(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

PROOF OF SERVICE BY MAIL
(CCP 1013; CRC 10.503; 2.100-2.119)

I, Robin Kohl, declare:

I am over the age of eighteen years and not a party to the within cause; am employed in the County of Sacramento, California; and my business address is 400 University Avenue, Sacramento, California 95825-6502.

On February 7, 2020, I served the within CASE MANAGEMENT STATEMENT, which was produced on recycled paper, on the parties in said cause by placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Sacramento, California, addressed as follows:

Attorney

Sean Musgrove, Esq..
LAW OFFICE OF SEAN
MUSGROVE
75 Natoma Street, #A
Folsom, CA 95630


Representing

Plaintiff

Phone/Fax/E-Mail

916-965-4577
FAX: 916-596-0410

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on February 7, 2020, at Sacramento, California.


Robin Kohl
1358-12087